



Zoning Case No. C14-06-0095

RESTRICTIVE COVENANT

OWNER: RP Preserve, Ltd., a Texas limited partnership

ADDRESS: 1011 North Lamar Blvd., Austin, Texas 78703

OWNER: Austin Christian Fellowship, a Texas non-profit corporation

ADDRESS: 6401 Riverplace Blvd., Austin, Texas 78730

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 1.281 acre tract of land, more or less, out of the R.L. Preece Survey No. 2, in Travis County, the tract being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

1. Development on the property may not exceed one residential dwelling unit.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

7-27-06  
# 137

EXECUTED this the 25<sup>th</sup> day of July, 2006.

**OWNER:**

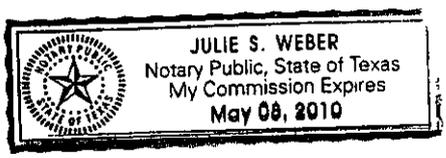
**RP Preserve, Ltd.,  
a Texas limited partnership**

By: RP Preserve GP, Inc.,  
a Texas corporation  
its general partner

By: [Signature]  
Blake J. Magee,  
President

**THE STATE OF TEXAS**           §  
**COUNTY OF TRAVIS**           §

This instrument was acknowledged before me on this the 25<sup>th</sup> day of July, 2006, by Blake J. Magee, President, of RP Preserve GP, Inc., a Texas corporation, general partner of RP Preserve, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.



[Signature]  
Notary Public, State of Texas

**APPROVED AS TO FORM:**

[Signature]  
Assistant City Attorney  
City of Austin

EXECUTED this the 26<sup>th</sup> day of JULY, 2006.

**OWNER:**

**Austin Christian Fellowship,  
a Texas non-profit corporation**

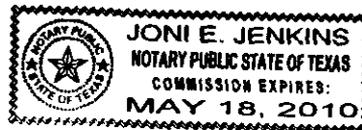
By:   
Cordel Robinson,  
Executive Pastor and Vice President

**THE STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

This instrument was acknowledged before me on this the 26<sup>th</sup> day of July, 2006, by Cordel Robinson, Executive Pastor and Vice President, of Austin Christian Fellowship, a Texas non-profit corporation, on behalf of the corporation.

  
Notary Public, State of Texas



APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**After Recording, Please Return to:**  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Diana Minter, Paralegal



**Professional Land Surveying, Inc.  
Surveying and Mapping**

Office: 512-443-1724  
Fax: 512-441-6987

2807 Manchaca Road  
Building One  
Austin, Texas 78704

EXHIBIT A

**1.281 ACRES  
THE PRESERVE AT RIVERPLACE SECTION 2  
PROPOSED LOT 9-A**

A DESCRIPTION OF A 1.281 ACRE TRACT OF LAND IN THE R. L. PREECE SURVEY NO. 2, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 9, BLOCK B, THE PRESERVE AT RIVERPLACE SECTION 2, A SUBDIVISION OF RECORD IN DOCUMENT NO. 200000178 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF A 1.647 ACRE TRACT CONVEYED TO AUSTIN CHRISTIAN FELLOWSHIP BY WARRANTY DEED WITH VENDOR'S LIEN EXECUTED JANUARY 10, 2000 AND RECORDED JANUARY 13, 2000 IN DOCUMENT NO. 2000005917 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 1.281 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" rebar with cap set in the north right-of-way line of Milky Way Drive (50' right-of-way width) for the southeast corner of said Lot 9 and the southwest corner of Lot 10, Block B, The Preserve at Riverplace Section 2, from which a 1/2" rebar found in the north right-of-way line of said Milky Way Drive for the southeast corner of said Lot 10 and southwest corner of Lot 11, Block B, The Preserve at Riverplace Section 2, bears along a curve to the left having a radius of 475.00 feet, an arc length of 189.53 feet and chord which bears South 50°13'27" East, a distance of 188.28 feet;

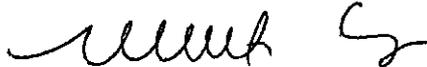
**THENCE** North 38°48'29" West, with the north right-of-way line of Milky Way Drive and the south line of Lot 9, a distance of 275.66 feet to a 1/2" rebar with cap set;

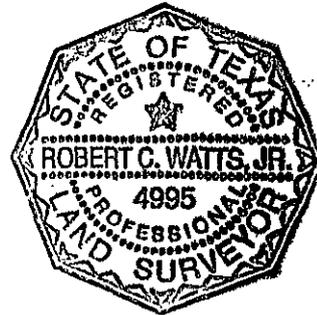
**THENCE** over and across Lot 9 and said 1.647 acre tract, the following four (4) courses:

1. North 51°11'18" East, a distance of 98.82 feet to a 1/2" rebar with cap set;
2. North 66°30'37" East, a distance of 240.27 feet to a 1/2" rebar with cap set;
3. South 23°24'37" East, a distance of 54.03 feet to a 1/2" rebar with cap set
4. South 24°14'41" West, a distance of 107.44 feet to a 1/2" rebar found for the northeast corner of Lot 9 and northwest corner of said Lot 10, also being in the south line of the 1.647 acre tract;

**THENCE** South 24°22'40" West, with the east line of Lot 9 and west line of Lot 10, a distance of 246.99 feet to the **POINT OF BEGINNING**, containing 1.281 acres of land, more or less.

Surveyed on the ground December 2005. Bearing Basis: Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network. Attachments: Drawing 014-101-9A.

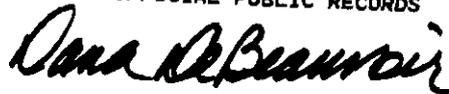
  
Robert C. Watts, Jr.  
Registered Professional Land Surveyor  
State of Texas No. 4995



7. 30. 06

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



2006 Jul 28 01:51 PM 2006144161

BENAVIDESV \$24.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

**Recorders Memorandum-**At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.